

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WA 3039-03WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/051720	International filing date (day/month/year) 05.08.2004	Priority date (day/month/year) 05.08.2003
International Patent Classification (IPC) or national classification and IPC B29C70/70, B29C70/86, B29D24/00, B29D31/00		
Applicant WOBBEN, Aloys		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 2 sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-6 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-7 _____ received by this Authority on 07.06.2005 with letter
- nos.* _____ received by this Authority on of 06.06.2005
- ☒ the drawings:
- sheets 1/3-3/3 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 2

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 2
are so unclear that no meaningful opinion could be formed (*specify*):

Independent claim 2 fails to satisfy the requirements of PCT Article 6 because the subject matter for which protection is claimed is not clearly defined:

Claim 2 attempts to define the use of a support structure according to claim 1. However, the new claim 1 discloses a rotor blade of a wind power installation.

☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1, 7</u>	YES
	Claims	<u>3-6</u>	NO
Inventive step (IS)	Claims	<u></u>	YES
	Claims	<u>1, 3-7</u>	NO
Industrial applicability (IA)	Claims	<u>1, 3-7</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations (Rule 70.7)

1. The present report makes reference to the following documents:

D1: US 4 789 577 A (CARBONE ROBERT ET AL)
6 December 1988 (1988-12-06)

D2: WO 01/26899 A (TOMMET JOHN J; LOCHER DAVID M
(US); MILWAUKEE COMPOSITES INC (US))
19 April 2001 (2001-04-19)

D4: DE 21 09 934 A (STOEBERL H)
14 September 1972 (1972-09-14)

D3: US 4 798 549 A (HIRSCH MARK D)
17 January 1989 (1989-01-17)

D5: US 3 237 697 A (FORD ROBERT J ET AL)
1 March 1966 (1966-03-01).

2. INDEPENDENT CLAIM 1:

The present application fails to satisfy the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step (PCT Article 33(3)).

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2.1 Document D1 discloses (the references in parentheses are to said document) a support structure made of fibre strands of a predetermined length (fabric 1); column 3, lines 29 to 31; and the external reinforcement layers 9, line 37), which are provided - and preferably impregnated - with a hardened composite material (column 3, lines 35 to 36), prefabricated, rigid components (tubular extrusion (7); column 2, lines 23 to 26) being incorporated into the fibre structure.

2.2 The subject matter of claim 1 therefore differs from the support structure known from D1 in that the support structure is part of a rotor blade of a wind power installation.

2.3 D1 relates to the production of light structures with very good mechanical properties (see column 4, lines 19 to 22). These properties are, in particular, essential in the production of a rotor blade of a wind energy installation.

2.4 Independent claim 1 relates to the use of a known support structure that is not in the technical field to which D1 relates directly but is, nevertheless, closely related thereto. A person skilled in the art will immediately recognise the advantages achieved in D1 and will consider using the support structure according to D1 in a closely related field, without thereby being inventive.

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

3. INDEPENDENT CLAIM 3:

The present application fails to satisfy the requirements of PCT Article 33(1) because the subject matter of claim 3 also lacks novelty (PCT Article 33(2)).

Document D2 is considered to be the prior art closest to the subject matter of claim 3. Said document discloses (the references in brackets are to D2) a method for the production of a moulded body - in particular of a rotor blade - using a bonded fibre assembly, said method comprising with the following steps:

the production of the outer perimeter of the shells forming the moulded body (figure 4, (54) and (58));

the production of support structures made of fibre strands of a predetermined length (figure 10, (146)), said fibre strands being impregnated with a hardened composite material (page 13, line 8); and

the conveyance of the support structure into the shells (figure 4);

prefabricated, rigid components being incorporated into the support structure (figure 10, (142)).

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
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4. DEPENDENT CLAIMS 4-7:

Claims 4-7 contain no features which, combined with the features of any claim to which they refer meet the PCT requirements for novelty and/or inventive step.